

## CHAPTER 588

## CONTEMPTS

**588.01 CONTEMPTS.**

**HISTORY.** R.S. 1851 c. 92 s. 1; 1852 Amend. p. 18; P.S. 1858 c. 81 s. 1; G.S. 1866 c. 87 s. 1; G.S. 1878 c. 87 s. 1; G.S. 1894 s. 6155; R.L. 1905 ss. 4638, 4639; G.S. 1913 ss. 8353, 8354; G.S. 1923 ss. 9792, 9793; M.S. 1927 ss. 9792, 9793.

A defendant is not guilty of contempt for merely failing to plead. *Perrin v Oliver*, 1 M 203 (176);

Nor for reading an affidavit for change of venue for prejudice of the judge. *Ex partet Curtis*, 3 M 274 (188);

Nor failure to perform an act not in his power. *Register v State of Minnesota*, 8 M 214 (185); *Hurd v Hurd*, 63 M 443, 65 NW 728.

A party may be punished for failure to obey an order in supplementary proceedings. *State ex rel v Becht*, 23 M 411; *Menage v Lustfield*, 30 M 489, 16 NW 398.

A party may be punished for contempt for failing to pay alimony. *Semrow v Semrow*, 26 M 9, 46 NW 446; *Papke v Papke*, 30 M 260, 15 NW 117; *Wagner v Wagner*, 39 M 394, 40 NW 360; *In re Fanning*, 40 M 4, 41 NW 1076; *State ex rel v Dist. Ct.* 42 M 40, 43 NW 686; *State ex rel v Willis*, 61 M 120, 63 NW 169; *Hurd v Hurd*, 63 M 443, 65 NW 728; *State ex rel v Jamison*, 69 M 427, 72 NW 451;

Or for disobeying an injunction. *Bass v City of Shakopee*, 27 M 250, 4 NW 619, 6 NW 776; *State ex rel v Dist. Ct.* 52 M 283, 53 NW 1157; *State ex rel v Dist. Ct.* 71 M 383, 73 NW 1092; *State ex rel v Dist. Ct.* 78 M 464, 81 NW 323;

Or for persisting in a certain course of examining witnesses contrary to the order of the court. *State v Leftwich*, 41 M 42, 42 NW 598;

Or for entering judgment notwithstanding a stay. *St. P. & Dul. v Village of Hinckley*, 53 M 102, 54 NW 940;

Or for refusing to turn over assets in an insolvency proceeding. *In re Burt*, 56 M 397, 57 NW 940.

Direct contempts are those committed in the immediate view and presence of the court. They are punishable summarily by order of the trial judge, who acts on his own motion and upon facts within his own knowledge. No formal trial is necessary. Constructive contempts are those not committed in the presence of the court, and of which the court has no knowledge except by information. They cannot be punished summarily, but the court must be informed of the facts by affidavit or evidence. The party must be cited in to show cause, or brought in by warrant. A hearing, but without a jury, must be had. *State ex rel v Ives*, 60 M 478, 62 NW 831.

One has been held in contempt for refusing to pay over money to a receiver. *State ex rel v Nye*, 71 M 383, 73 NW 1092; -

And for giving information derived by an officer of court as to proceedings pending against parties accused of crime. *State v O'Brien*, 87 M 161, 91 NW 297.

Attorney disciplined for use of insulting language and contemptuous behaviour to the court. *State Board v Hart*, 104 M 88, 116 NW 212; *State ex rel v Dist. Court*, 110 M 446, 125 NW 1020.

Not found guilty of contempt because of petition criticizing the grand jury. *State v Young*, 113 M 96, 129 NW 148.

From an order imposing punishment for civil contempt there is a right of appeal. From an order imposing punishment for criminal contempt there is no right of appeal. Orders imposing simple fines for contempt in violating an injunction, where the forbidden acts have been wholly performed and cannot be

# MINNESOTA STATUTES 1945 ANNOTATIONS

recalled, are orders in criminal contempt. *Red River Ass'n v Bernardy*, 128 M 154, 150 NW 383.

Contempt defined and powers of the court stated. *Red River Ass'n v Bernardy*, 128 M 153, 150 NW 383; *In re Cary*, 165 M 203, 206 NW 402.

Judgment debtor is not in contempt for refusing to obey the order during pendency of appeal, but failure to comply with the order after the judgment affirming had been remitted to the trial court constituted contempt. The trial court in its discretion was within its powers to purge defendant of his contempt. *Wilkins v Corey*, 172 M 102, 214 NW 776.

Section 588.10 is controlling, and prior to the enactment of Laws 1933, Chapter 267, one in criminal contempt may be incarcerated in the county jail, but not in the workhouse. *Plankers v Plankers*, 175 M 57, 220 NW 414.

A witness before a grand jury, no personal privilege of his own being invaded, may not refuse to answer questions because they have not been ruled upon by the court or because they seem to relate only to an offense the prosecution of which is barred by the statute of limitations. *State v Kasherman*, 177 M 200, 224 NW 838.

In an examination before a referee repeated evasions and untrue answers constitute constructive contempt. Where the conviction is right but penalty exceeds that authorized by law, defendant is not relieved from punishment, but he is resentenced. *Mpls. v Bergan*, 178 M 158, 226 NW 188.

A lawful judicial command to a corporation is in effect a command to its officers, who may be punished for contempt for disobedience to its terms. *Child v Washed Sand Co.* 181 M 560, 233 NW 586.

When the object of a proceeding in contempt is to impose punishment merely, the order adjudging the contempt is reviewable on certiorari. When the object is to enforce the doing of something in aid of a civil proceeding, the order of contempt is reviewable on appeal. *Proper v Proper*, 188 M 15, 246 NW 481.

In cases of strictly criminal contempt, rules of law and evidence applied to criminal cases must be observed, and defendant's guilt must be established beyond reasonable doubt. The evidence in this case was hearsay and insufficient. *State v Binder*, 190 M 312, 251 NW 665.

Where the contempt consists in the omission to perform an act which is in the power of the person to perform, he may be imprisoned until he performs it. *Johnson v Froelich*, 196 M 82, 264 NW 232.

Defendant was asked the identity of the plumber who did the work and refused to answer, claiming privilege against self-incrimination. Trial court properly found him in contempt. *State v Berry*, 198 M 550, 270 NW 600.

Abuse of process in garnishment proceedings. *Wood v Bangs*, 199 M 208, 271 NW 447.

Where a fine is imposed for non-payment of alimony, a sentence in the order permitting defendant to purge himself of the contempt does not change it from one for punishment to one for enforcement of the judgment. *Wenger v Wenger*, 200 M 436, 274 NW 517.

In an injunction case, which defendants claim presents a labor dispute within the meaning of Laws 1933, Chapter 416, the first question for decision is whether that claim is well-founded. If it be erroneously decided and, without findings of fact, an injunction issues upon the ground that no labor dispute is presented, the decision, even though erroneous, is not subject to collateral attack in proceedings to punish a violator of the injunction for contempt. *Reid v Ind. Union*, 200 M 599, 275 NW 300.

Under section 518.24 the district court has power to punish as for contempt the wrongful refusal of a husband to pay an allowance ordered for the benefit of his wife in an action for separate maintenance. *Sybilrud v Sybilrud*, 207 M 373, 291 NW 607.

Evidence sustained finding adjudging juror in contempt for giving false and evasive answers on voir dire examination, thus concealing her interest in the case, and resulting in obstruction of the administration of justice. *Clark v United States*, 61 F(2d) 695.

Assault upon juror after his discharge. 6 MLR 243.

Violations of injunctions under Clayton act; nature of criminal contempt; venue. 8 MLR 539.

Validity of statutes regulating power of courts to punish for contempt. 9 MLR 369.

Contempt; proceedings against prison superintendent for cruel treatment of prisoners. 10 MLR 64.

Constructive contempt; publication tending to interfere with the administration of justice. 15 MLR 442, 446.

Practice of law by corporation. 16 MLR 196.

Rules governing attorneys in the practice of their profession. 16 MLR 272.

Fines for contempt as indemnity to a party to an action. 16 MLR 797.

#### 588.02 POWER TO PUNISH; LIMITATION.

**HISTORY.** R.S. 1851 c. 92 s. 2; P.S. 1858 c. 81 s. 2; G.S. 1866 c. 87 s. 2; G.S. 1878 c. 87 s. 2; G.S. 1894 s. 6156; R.L. 1905 s. 4640; G.S. 1913 s. 8355; G.S. 1923 s. 9794; M.S. 1927 s. 9794; 1945 c. 434 s. 1.

A person may be imprisoned for contempt for refusing to pay over money as ordered by the court. *State v Becht*, 23 M 411; *In re Burt*, 56 M 397, 57 NW 940; *Hurd v Hurd*, 63 M 443, 65 NW 728.

Where, as in this case, the penalty is unauthorized, but the conviction valid, the defendant will be freed from detention and remanded to the proper court or officer for further proceedings according to law. *State ex rel v Miesen*, 98 M 22, 106 NW 1134, 108 NW 513; *State ex rel v Langum*, 125 M 304, 146 NW 1102; *Mpls. v Bergan*, 178 M 158, 226 NW 188.

The court having found that the violation of the writ resulted in extra loss and injury to plaintiff, and was prejudicial to his rights, the fine imposed, and the conditional imprisonment, are constitutional, and not in excess of the authority conferred by statute. *State ex rel v Dist. Court*, 98 M 136, 107 NW 963.

When the court is authorized by the facts to impose the punishment prescribed by Revised Laws 1905, Section 4649 (section 588.11), for constructive contempt, it may award to the aggrieved party the costs and expenses of the contempt proceedings, including a reasonable attorney fee. *State ex rel v District Court*, 113 M 304, 129 NW 583.

The order is of a dual character. So far as it imposes imprisonment to coerce obedience to the writ and the furnishing of service, it is a remedy for the benefit of a party, and reviewable on appeal; so far as it imposes a fine it is in vindication of the authority of the court and is a punishment for a contempt criminal or quasi-criminal in character; and is reviewable on certiorari. *State ex rel v Searles*, 141 M 267, 170 NW 198.

Judgment of contempt was rendered against persons for picketing plaintiff's theater. Said judgment was reversed as far as the requirement that several defendants pay a fine of \$125.00 each for the benefit of plaintiff, and is affirmed in so far as it requires defendants pay \$100.00 attorney's fee and provides enforcement of such requirement. *Campbell v Motion Pic. Operators*, 151 M 238, 186 NW 787.

Although a defendant in a divorce suit may be in contempt of court in failing to obey an order for the payment of temporary alimony to the plaintiff, the court cannot, for this cause, deprive him of the right of defense. *Peterson v Peterson*, 173 M 166, 216 NW 940.

The trial court has jurisdiction both of the person and the subject of the action pending for contempt, consequently the writ of prohibition is discharged. *Brown v Brown*, 173 M 624, 217 NW 494.

A sentence permitting defendant to purge himself of the contempt does not change it from one of punishment to one of enforcement of plaintiff's judgment. The fine is within the provisions of section 588.10. *Wenger v Wenger*, 200 M 436, 274 NW 517.

Where, as here, the husband's disobedience of an order awarding the wife temporary alimony prejudices her remedy, he may, in the discretion of the court,

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 588.03 CONTEMPTS

3960

be punished by imprisonment under section 588.02. The matter is reviewable, being civil contempt, on appeal. *Dahl v Dahl*, 210 M 361, 298 NW 361.

Validity of statutes regulating power of the courts to punish for contempt. 9 MLR 370.

Rules governing attorneys in the practice of their profession. 16 MLR 272.

### 588.03 SUMMARY PUNISHMENT.

**HISTORY.** R.S. 1851 c. 92 s. 3; 1852 Amend. p. 18; P.S. 1858 c. 81 s. 3; G.S. 1866 c. 87 s. 3; G.S. 1878 c. 87 s. 3; G.S. 1894 s. 6157; R.L. 1905 s. 4641; G.S. 1913 s. 8356; G.S. 1923 s. 9795; M.S. 1927 s. 9795.

Direct contempts are those committed in the immediate view and presence of the court, and are punishable summarily. Constructive contempts must be based upon evidence. *State ex rel v Ives*, 60 M 478, 62 NW 831.

When the object of a proceeding is to impose punishment merely, the order adjudging contempt is reviewable by certiorari. If to enforce the doing of something in aid of civil proceeding, review is by appeal. *Proper v Proper*, 188 M 15, 246 NW 481.

### 588.04 ARREST; ORDER TO SHOW CAUSE.

**HISTORY.** R.S. 1851 c. 92 s. 4; 1852 Amend. p. 18; P.S. 1858 c. 81 s. 4; G.S. 1866 c. 87 s. 4; G.S. 1878 c. 87 s. 4; G.S. 1894 s. 6158; R.L. 1905 s. 4642; G.S. 1913 s. 8357; G.S. 1923 s. 9796; M.S. 1927 s. 9796.

Warrant must specify whether accused shall be let to bail or retained in custody, and if he may be bailed the amount in which he may be let to bail. (Dictum in this case overruled. *State v Binder*, 190 M 305, 251 NW 665). *Papke v Papke*, 30 M 260, 15 NW 117.

Procedure in cases of constructive contempt. *State ex rel v Ives*, 60 M 478, 62 NW 831; *State ex rel v Willis*, 61 M 120, 63 NW 169; *State ex rel v Dist. Court*, 65 M 146, 67 NW 796; *State ex rel v Dist. Court*, 71 M 383, 73 NW 1092; *State ex rel v Dist. Court*, 113 M 304, 129 NW 583; *State v Smith*, 116 M 228, 133 NW 614.

The judgment must be responsive to the order to show cause. *State ex rel v Willis*, 61 M 120, 63 NW 169.

In cases of strictly criminal contempt, the rules of evidence and presumptions of law applicable to criminal cases must be observed. *State ex rel v Dist. Court*, 65 M 146, 67 NW 796.

Contempt proceedings, in which important or doubtful questions arise, may be certified to the supreme court only after conviction. Section 632.10 is not applicable. *State v Smith*, 116 M 228, 133 NW 614.

A peremptory writ having been served and not complied with, this order requires the officers of the defendant corporation and of its holding company to show cause why relator's motion for a peremptory order should not be granted or respondents punished for contempt. The motion was heard and properly granted. *City of Mpls. v Mpls. St. Ry.* 154 M 412, 191 NW 1004.

False and evasive answers on juror's voir dire examination, though falling short of perjury, may constitute contempt if tendency thereof is to obstruct administration of justice. *Clark v United States*, 61 F(2d) 695.

### 588.05 PERSONS IN CUSTODY.

**HISTORY.** R.S. 1851 c. 92 s. 5; P.S. 1858 c. 81 s. 5; G.S. 1866 c. 87 s. 5; G.S. 1878 c. 87 s. 5; G.S. 1894 s. 6159; R.L. 1905 s. 4643; G.S. 1913 s. 8358; G.S. 1923 s. 9797; M.S. 1927 s. 9797.

### 588.06 ADMISSION TO BAIL.

**HISTORY.** R.S. 1851 c. 92 s. 6; P.S. 1858 c. 81 s. 6; G.S. 1866 c. 87 s. 6; G.S. 1878 c. 87 s. 6; G.S. 1894 s. 6160; R.L. 1905 s. 4644; G.S. 1913 s. 8359; G.S. 1923 s. 9798; M.S. 1927 s. 9798.

In criminal contempt cases section 588.06 requires the warrant of arrest to state whether or not the person charged shall be admitted to bail. Where a warrant which does not so state has been returned and defendant is then before the court, the court has jurisdiction despite such defect, since the only function of the warrant is to get defendant before the court. (Dictum to the contrary in *Papke v Papke*, 30 M 360, 15 NW 117, overruled). *State v Binder*, 190 M 305, 251 NW 665.

#### 588.07 WARRANT, HOW EXECUTED.

HISTORY. R.S. 1851 c. 92 ss. 7, 8; P.S. 1858 c. 81 ss. 7, 8; G.S. 1866 c. 87 ss. 7, 8; G.S. 1878 c. 87 ss. 7, 8; G.S. 1894 ss. 6161, 6162; R.L. 1905 s. 4645; G.S. 1913 s. 8360; G.S. 1923 s. 9799; M.S. 1927 s. 9799.

#### 588.08 RETURN OF WARRANT; PENALTY FOR FAILURE.

HISTORY. R.S. 1851 c. 92 ss. 9, 10; P.S. 1858 c. 81 ss. 9, 10; G.S. 1866 c. 87 ss. 9, 10; G.S. 1878 c. 87 ss. 9, 10; G.S. 1894 ss. 6163, 6164; R.L. 1905 s. 4646; G.S. 1913 s. 8361; G.S. 1923 s. 9800; M.S. 1927 s. 9800.

#### 588.09 HEARING.

HISTORY. R.S. 1851 c. 92 s. 11; P.S. 1858 c. 81 s. 11; G.S. 1866 c. 87 s. 11; G.S. 1878 c. 87 s. 11; G.S. 1894 s. 6165; R.L. 1905 s. 4647; G.S. 1913 s. 8362; G.S. 1923 s. 9801; M.S. 1927 s. 9801.

A party proceeded against for a constructive contempt of court, that is, one not committed in the immediate presence of the court, is entitled, as a matter of right, to a hearing, and to have witnesses examined in his defense. The court cannot convict on facts within his own knowledge, and the affidavit on which the warrant issued is not competent evidence. Guilt must be established by competent evidence. *State ex rel v Ives*, 60 M 478, 62 NW 831; *State ex rel v Willis*, 61 M 120, 63 NW 169; *State ex rel v Dist. Court*, 65 M 146, 67 NW 796; *State ex rel v Dist. Court*, 71 M 383, 73 NW 1092; *State v O'Brien*, 87 M 161, 91 NW 297; *State ex rel v Dist. Court*, 144 M 326, 175 NW 908.

A person cited for contempt may base his defense on affidavits. An order directing the committing of a person for constructive civil contempt is appealable. *Loff v Loff*, 161 M 122, 200 NW 936.

A proceeding in contempt to coerce the payment of money is for a civil contempt. Defendant cannot be imprisoned when unable to pay. He can be imprisoned only when he can pay but will not. *Cohen v Mirviss*, 173 M 103, 216 NW 606.

In cases of criminal contempt, rules of law and evidence applied in criminal cases must be observed, and defendant's guilt established beyond a reasonable doubt. *State v Binder*, 190 M 305, 251 NW 665.

Testimony of other jurors in a proceeding for contempt of one of the jurors, who had concealed her interest in the case, may be received in evidence. *United States v Clark*, 61 F(2d) 695.

#### 588.10 PENALTIES FOR CONTEMPT OF COURT.

HISTORY. R.S. 1851 c. 92 s. 12; P.S. 1858 c. 81 s. 12; G.S. 1866 c. 87 s. 12; G.S. 1878 c. 87 s. 12; G.S. 1894 s. 6166; R.L. 1905 s. 4648; G.S. 1913 s. 8363; G.S. 1923 s. 9802; M.S. 1927 s. 9802; 1933 c. 267.

No formal trial is necessary in direct contempts committed in the presence of the judge, and these are punishable summarily. This is an arbitrary power, born of necessity, which must be exercised with great prudence and always limited to cases of direct contempts. While constructive contempts are punishable equally as are those which are direct, the procedure is different, as in constructive contempt competent evidence, outside of the moving affidavit and outside of the court's own information must be produced. *State ex rel v Ives*, 60 M 478, 62 NW 831; *State ex rel v Willis*, 61 M 120, 63 NW 169; *State ex rel v Dist. Court*, 98 M 136, 107 NW 963; *State ex rel v Langum*, 125 M 304, 146 NW 1102.

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 588.11 CONTEMPTS

3962

Contempt is not a crime, and prior to the enactment of Laws 1933, Chapter 267, was punishable only in the county jail, and not in the workhouse. *Plankers v Plankers*, 175 M 57, 220 NW 414.

A sentence permitting defendant to purge himself of the contempt does not change it from one of punishment to one of enforcement of plaintiff's judgment. *Wenger v Wenger*, 200 M 436, 274 NW 517.

An order discharging an order to show cause and dismissing a criminal contempt proceeding can only be reviewed by certiorari. The fact that the trial court was mistaken in his belief that he lacked jurisdiction, and made his order accordingly does not affect the mode of review. *Spannaus v Lueck*, 202 M 497, 279 NW 216.

Fines for contempt as indemnity. 16 MLR 806.

### 588.11 INDEMNITY TO INJURED PARTY.

**HISTORY.** R.S. 1851 c. 92 s. 13; P.S. 1858 c. 81 s. 13; G.S. 1866 c. 87 s. 13; G.S. 1878 c. 87 s. 13; G.S. 1894 s. 6167; R.L. 1905 s. 4649; G.S. 1913 s. 8364; G.S. 1923 s. 9803; M.S. 1927 s. 9803; 1945 c. 434 s. 2.

When the court is authorized by the facts to impose the punishment prescribed by section 588.11, it may award to the aggrieved party the costs and disbursements of the contempt proceedings, including reasonable attorney's fee. *State ex rel v Dist. Court*, 113 M 304, 129 NW 583; *Sessions v Sessions*, 178 M 78, 226 NW 211, 701.

Power of his court to grant alimony is inherent therein, and irrespective of post nuptial agreements, the courts may award alimony and enforce the payment thereof. The courts give favorable consideration but are not controlled by the post nuptial agreements. *Sessions v Sessions*, 178 M 78, 226 NW 211, 701.

Fines for contempt as indemnity to a party to an action. 16 MLR 795.

### 588.12 IMPRISONMENT UNTIL PERFORMANCE.

**HISTORY.** R.S. 1851 c. 92 s. 14; P.S. 1858 c. 81 s. 14; G.S. 1866 c. 87 s. 14; G.S. 1878 c. 87 s 14; G.S. 1894 s. 6168; R.L. 1905 s. 4650; G.S. 1913 s. 8365; G.S. 1923 s. 9804; M.S. 1927 s. 9804.

This section is not obnoxious to the provisions of Minnesota Constitution, Article 1, Sections 6, 7 or 12. *State ex rel v Becht*, 23 M 411.

The court may order a husband to pay alimony and if he can pay, and will not, he may be declared in contempt and imprisoned until he does pay. The burden is on the defendant to satisfy the court, by a full and fair showing that his failure to obey the order was solely due to his inability to make payment. *Hurd v Hurd*, 63 M 443, 65 NW 728.

The burden is on the defendant to make a showing of his inability to comply with the order, and in the instant case, having shown his inability, he may be purged of his contempt. *Loff v Loff*, 161 M 122, 200 NW 936.

A proceeding in contempt to coerce the payment of money is a civil contempt, and defendant can be imprisoned only when he is able to pay but refuses to do so. *Cohen v Mirviss Co.* 173 M 101, 216 NW 606; *State v Strong*, 192 M 423, 256 NW 900; *Wenger v Wenger*, 200 M 442, 274 NW 517.

The payment of attorney fees allowed in a contempt proceeding to enforce the payment of support money may be enforced by imprisonment. *Sessions v Sessions*, 178 M 81, 226 NW 701.

A lawful judicial command to a corporation is in effect a command to its officers, who may be punished for contempt for disobedience to its terms. *Child v Washed Sand Co.* 181 M 561, 233 NW 586.

Whenever the contempt consists in the omission to perform an act which is in the power of the person to perform (it may be other than the payment of money) he may be imprisoned until he performs it. *Johnson v Froelich*, 196 M 82, 264 NW 232.

Where a person has been convicted of contempt for non-payment of alimony, the writ of habeas corpus is not to be used as a substitute for an appeal. *State ex rel v Gibbons*, 199 M 445, 271 NW 873.

# MINNESOTA STATUTES 1945 ANNOTATIONS

3963

CONTEMPTS 588.15

The commitment for criminal contempt, which embodies the judgment of conviction, affirmed on certiorari complies with section 489.14 and authorizes the sheriff to the custody of petitioner. State ex rel v Syck, 202 M 252, 277 NW 926.

## **588.13 MAY BE INDICTED.**

HISTORY. R.S. 1851 c. 92 s. 15; P.S. 1858 c. 81 s. 15; G.S. 1866 c. 87 s. 15; G.S. 1878 c. 87 s. 15; G.S. 1894 s. 6169; R.L. 1905 s. 4651; G.S. 1913 s. 8366; G.S. 1923 s. 9805; M.S. 1927 s. 9805.

The fact that a contempt is a misdemeanor, and punishable by indictment, does not forbid summary proceedings therefor before the court. State ex rel v Becht, 23 M 411; State ex rel v Dist. Court, 52 M 284, 53 NW 1157.

## **588.14 SECOND WARRANT; ACTION ON RECOGNIZANCE; MEASURE OF DAMAGES.**

HISTORY. R.S. 1851 c. 92 s. 16; P.S. 1858 c. 81 s. 16; G.S. 1866 c. 87 s. 16; G.S. 1878 c. 87 s. 16; G.S. 1894 s. 6170; R.L. 1905 s. 4652; G.S. 1913 s. 8367; G.S. 1923 s. 9806; M.S. 1927 s. 9806.

## **588.15 ILLNESS MAY EXCUSE OFFICER FROM PRODUCING PERSON.**

HISTORY. R.S. 1851 c. 92 s. 17; P.S. 1858 c. 81 s. 17; G.S. 1866 c. 87 s. 17; G.S. 1878 c. 87 s. 17; G.S. 1894 s. 6171; R.L. 1905 s. 4653; G.S. 1913 s. 8368; G.S. 1923 s. 9807; M.S. 1927 s. 9807.